

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**MOTION FOR LEAVE TO FILE OBJECTIONS  
TO DEFENDANT'S PRESENTENCE INVESTIGATION REPORT**

**COMES NOW**, the Defendant, Benjamin S. Foster, by and through the undersigned counsel and files this Motion for Leave to File Objections to Defendant's Presentence Investigation Report in the above-styled case. As ground therefore, the Defendant would aver to this Honorable Court as follows:

1. On June 16, 2008 the undersigned was appointed to represent the Defendant for sentencing.
2. On June 25, 2008, the undersigned on behalf of the Defendant filed a Motion to Continue Sentencing wherein the undersigned requested additional time to investigate, prepare and file objections to the Presentence Investigation Report (hereinafter "PSR"). (Doc #42)

3. On June 27, 2008, the Court granted the Motion to Continue Sentencing; however, the Court's Order did not address objections to the PSR. (Doc #43)

4. That new counsel for the Defendant has completed his investigation and prepared objections to the PSR on behalf of the Defendant and is ready to file the same with the United States Probation Office.

5. That the Defendant should have the opportunity to file objections to the PSR prior to his sentencing hearing currently scheduled for August 19, 2008.

6. That prior counsel for the Defendant has informed the undersigned that he was in the process of preparing objections when he became conflicted out of the case.

7. That the Government would not be prejudiced by the granting of this motion.

**WHEREFORE, PREMISES CONSIDERED**, the Defendant, Benjamin S. Foster, prays this Honorable Court will, in the interest of justice, make and enter an Order allowing the Defendant to file objections to the PSR no later than August 7<sup>th</sup>, 2008.

**RESPECTFULLY SUBMITTED**, this the 5<sup>th</sup> day of August, 2008.

/s/ J. Carlton Taylor  
J. CARLTON TAYLOR  
Attorney for the Defendant  
ASB 5037-L53J  
5748 Carmichael Parkway Suite D  
Montgomery, Alabama 36117  
(334) 244-0447  
(334) 244-0794  
[jtaylor@fullerandtaylor.com](mailto:jtaylor@fullerandtaylor.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing pleading has been served on those individuals listed below, by CM/ECF email electronic service (or by hand delivery), on this the 5<sup>th</sup> day of August, 2008.

/s/ J. Carlton Taylor  
J. CARLTON TAYLOR  
Attorney for the Defendant  
ASB 5037-L53J  
5748 Carmichael Parkway Suite D  
Montgomery, Alabama 36117  
(334) 244-0447  
(334) 244-0794  
[jtaylor@fullerandtaylor.com](mailto:jtaylor@fullerandtaylor.com)

Matthew W. Shepherd  
Assistant U.S. Attorney  
PO Box 197  
Montgomery AL 36101-0197  
[matthew.shepherd@usdoj.gov](mailto:matthew.shepherd@usdoj.gov)